

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Alexander Scott Roundtree, #191739,)
Petitioner,) C/A No. 0:08-1592-MBS
vs.)
McKither Bodison, Warden; Jon Ozmint,)
Director of South Carolina Department of)
Corrections,)
Respondents.)
-----)

O R D E R

Petitioner Alexander Scott Roundtree is an inmate in custody of the South Carolina Department of Corrections currently housed at the Lieber Correctional Institution in Ridgeville, South Carolina. Petitioner, appearing pro se, petitions for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. The Magistrate Judge reviewed the petition pursuant to 28 U.S.C. § 1915 and the Anti-Terrorism and Effective Death Penalty Act of 1996. On April 28, 2008, the Magistrate Judge issued a Report and Recommendation in which he recommended that the within action be summarily dismissed because the petition is a successive petition and Petitioner has not sought leave from the United States Court of Appeals for the Fourth Circuit to file a successive petition. See 28 U.S.C. § 2244(b). Petitioner filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The Report and Recommendation is incorporated herein by reference. The within petition is dismissed without prejudice and without requiring Respondents to file a return.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

July 21, 2008.

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.